

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 341

Representative Click

A BILL

To amend sections 3780.23, 3780.25, and 3780.30 of 1
the Revised Code to revise the law regarding 2
adult use marijuana. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3780.23, 3780.25, and 3780.30 of 4
the Revised Code be amended to read as follows: 5

Sec. 3780.23. Funds created. 6

(A) For the purpose of receiving and distributing, and 7
accounting for, revenue received from the adult use tax levied 8
by section 3780.22 of the Revised Code, the following funds are 9
created in the state treasury: 10

(1) The adult use tax fund; 11

(2) The cannabis social equity and jobs fund; 12

(3) The host community cannabis fund; 13

(4) The substance abuse research and education fund; 14

(5) The substance abuse addiction and recovery fund; and 15

~~(5)~~ (6) The law enforcement cannabis training fund; 16

- (7) The division of cannabis control and tax commissioner fund. 17
- (B) All monies collected from the tax levied under this chapter 18
shall be deposited into the adult use tax fund. 19
- (C) Unless otherwise authorized under this chapter or rule, the 20
director of budget and management shall transfer amounts to each 21
fund as follows: 22
- (1) ~~Thirty-six~~ Nineteen and two-fifths per cent to the cannabis 23
social equity and jobs fund to be used to implement the 24
requirements of section 3780.19 of the Revised Code; 25
- (2) ~~Thirty-six~~ Nineteen and two-fifths per cent to the host 26
community cannabis fund for the benefit of municipal 27
corporations or townships that have adult use dispensaries, and 28
the municipal corporations or townships may use such funds for 29
any approved purpose. Distributions to municipal corporations or 30
townships shall be based on the percentage of adult use tax 31
attributable to each municipal corporation or township. 32
- (3) ~~Twenty-five~~ Nineteen and two-fifths per cent to the 33
substance abuse research and addiction education fund to support 34
the efforts of the department of mental health and addiction 35
services to alleviate substance and opiate abuse and related 36
research and education in the state under section 3780.30 of the 37
Revised Code; ~~and~~ 38
- (4) Nineteen and two-fifths per cent to the substance abuse 39
addiction and recovery fund to support the efforts of the 40
department of mental health and addiction services to provide 41
and fund addiction recovery services, including the operation of 42
the toll-free number authorized under section 3780.30 of the 43
Revised Code; 44
- (5) Nineteen and two-fifths per cent to the law enforcement 45

cannabis training fund. The attorney general shall use money in 46
the fund to award grants to political subdivisions, as defined 47
in section 2744.01 of the Revised Code, for the purpose of 48
supporting law enforcement training efforts, including for the 49
support of continuing professional training for peace officers 50
required under section 109.803 of the Revised Code, or to pay 51
for administrative expenses related to marijuana offenses. 52

(6) Three per cent to the division of cannabis control and tax 53
commissioner fund to support the operations of the division of 54
cannabis control and to defray the cost of the department of 55
taxation for administering the tax levied under section 3780.22 56
of the Revised Code. 57

Payments under ~~of~~ this section shall be made by the end of the 58
month following the end of each quarterly period. The tax 59
commissioner shall make the data available to the director of 60
the office of budget and management for this purpose and the 61
director of budget and management shall transfer amounts to the 62
funds in this section as required. The tax commission may serve 63
as agent of the municipal corporations or townships only for the 64
purposes of division (C) (2) of this section as promulgated by 65
rule. 66

Sec. 3780.25. Local authority regarding adult use cannabis 67
operators. 68

(A) The legislative authority of a municipal corporation may 69
adopt an ordinance, or a board of township trustees may adopt a 70
resolution, by majority vote to prohibit, or limit the number 71
of, adult use cannabis operators permitted under this chapter 72
within the municipal corporation or within the unincorporated 73
territory of the township, respectively. 74

(B) Notwithstanding division (A) ~~above~~ of this section: 75

(1) Existing cultivators, processors, or dispensaries who have a 76
certificate of operation may not be prohibited or limited by a 77
municipal corporation or township from operating under Chapter 78
3796. of the Revised Code and Chapter 3796. of the 79
Administrative Code by a municipal corporation or township 80
unless there is a revocation of the certificate of operation; 81

(2) Adult use cultivators, adult use processors, and adult use 82
dispensaries that are co-located on the same parcel or 83
contiguous parcels with an adult use cultivator and an adult use 84
processor, who are applicants or license holders under this 85
chapter, and whose owners also have a certificate of operation 86
at the same location as ~~the effective date of this section~~ 87
December 7, 2023, may not be prohibited or limited by any 88
municipal corporation or township from operating as an adult use 89
cultivator, adult use processor, or an adult use dispensary co- 90
located with an adult use cultivator and an adult use processor 91
under this chapter because of the significant capital investment 92
in the facilities; and 93

(3) Dispensaries, or the owners of dispensaries, who have a 94
certificate of operation, and who are not co-located on the same 95
parcel or contiguous parcels with a cultivator or processor that 96
has a certificate of operation, as of ~~the effective date of this~~ 97
~~section~~ December 7, 2023, shall also be authorized to operate as 98
an adult use dispensary without any municipal or township 99
prohibitions upon receiving a license from the division of 100
cannabis control, unless a majority of the members of the 101
legislative authority of a municipal corporation affirmatively 102
pass an ordinance, or a majority of township trustees in a 103
township affirmatively pass a resolution, after the license is 104

issued and within one hundred ~~and~~ twenty days from license 105
issuance, prohibiting the operation of the adult use dispensary 106
within the municipal corporation or within the unincorporated 107
territory of the township, respectively. 108

(C) If a majority of the members of the legislative authority of 109
a municipal corporation pass an ordinance, or a majority of 110
township trustees in a township pass a resolution, prohibiting 111
the adult use dispensary pursuant to division (B) (3) of this 112
section, then the adult use dispensary license holder shall 113
cease operations within sixty days, unless the adult use 114
dispensary license holder files with the board of elections 115
within the ~~sixty day timeframe~~ sixty-day time frame a petition 116
prescribed by the secretary of state, and signed by the lessor 117
of one hundred qualified electors or five per cent of the 118
qualified electors of the municipal corporation or township, 119
requesting that the issue, of whether the adult use dispensary 120
shall remain open as long as the adult use dispensary is 121
licensed pursuant to ~~chapter~~ Chapter 3780. of the Revised Code 122
by the division of cannabis control and the municipal 123
corporation or township is eligible to receive host community 124
cannabis funding, be placed on the next general election ballot, 125
which election shall not occur less than ninety days from 126
petition filing. If the required signatures and form of petition 127
is verified by the board of election, the issue shall be placed 128
on the ballot for the next general election which is ninety days 129
or greater away from the petition filing, and notwithstanding 130
any provision of this chapter, the adult use dispensary license 131
holder may continue to operate until the issue is decided at the 132
next authorized general election. A board of elections may 133
discontinue verifying signatures when the number of verified 134
signatures on a petition equals the minimum number of qualified 135

signatures. The secretary of state shall adopt rules in 136
accordance with Chapter 119. of the Revised Code for the proper 137
administration and implementation of divisions (C) and (D) of 138
this section. 139

(D) The form of the ballot to be used at the election provided 140
for in division (C) of this section shall be as follows: 141

"Shall the following adult use dispensary, _____ (here 142
insert name of adult use dispensary), whose owners also have had 143
a licensed medical marijuana dispensary at _____ (here 144
insert address) since _____ (here insert the date of opening), 145
remain open as long as the adult use dispensary is licensed 146
pursuant to Chapter 3780. of the Revised Code by the Division of 147
Cannabis Control under the Department of Commerce, and 148
the _____ (here insert name of municipal corporation or 149
township) is eligible to receive host community cannabis 150
funding? 151

Yes for the Issue 152

No for the Issue 153

" 154

(E) If a majority of the voters at the general election vote yes 155
for the issue, then the adult use dispensary may operate within 156
the municipal corporation or township and the municipal 157
corporation or township shall receive related host community 158
cannabis funding as authorized under section 3780.23 of the 159
Revised Code. 160

(F) If a majority of the voters at the general election vote no 161
for the issue, then: 162

(1) The dispensary with a certificate of operation at that 163

location may continue to operate at its current address, or the 164
dispensary may request to relocate the dispensary within ninety 165
days of election certification consistent with the requirements 166
of Chapter 3796. of the Revised Code, and related rules, which 167
relocation request shall be approved regardless of the 168
dispensary districts established by the board of pharmacy as 169
long as the relocation request meets all other applicable 170
requirements of Chapter 3796. of the Revised Code and related 171
rules; and 172

(2) The adult use dispensary must close within ninety days of 173
election certification unless the adult use dispensary applies 174
to the division of cannabis control for a request to relocate 175
within ninety days of the election certification, and then the 176
adult use dispensary may continue to operate until the request 177
to relocate is approved by the division of cannabis control. The 178
division of cannabis control shall review and approve a request 179
to relocate timely once the request to relocate application is 180
in compliance with this chapter and related rules. 181

~~(G) A legislative authority of a municipal corporation or a 182
board of township trustees is prohibited from: 183~~

~~(1) Adopting an ordinance or resolution limiting research 184
related to marijuana conducted at a state university, academic 185
medical center, or private research and development organization 186
as part of a research protocol approved by an institutional 187
review board or equivalent entity; 188~~

~~(2) Levying any tax, fee, or charge on adult use cannabis 189
operators, their owners or their property which is not generally 190
charged on other businesses in the municipal corporation or 191
township; 192~~

(3) Prohibiting or limiting home grow otherwise authorized under this chapter; and	193
	194
(4) Prohibiting or restricting an activity that is authorized by this chapter.	195
	196
Sec. 3780.30. Cannabis addiction services; toll-free <u>telephone numbers.</u>	197
	198
(A) The division of cannabis control shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program for cannabis addiction services to be implemented on behalf of the division of cannabis control, which includes best practices for education and treatment for individuals with addiction issues related to cannabis or other controlled substances, including opioids.	199
	200
	201
	202
	203
	204
	205
	206
(B) The department of mental health and addiction services shall establish, operate, and publicize an in-state, toll-free telephone number Ohio residents may call to obtain basic information about addiction services available to consumer <u>consumers</u> , and options for an addicted consumer to obtain help. The telephone number shall be staffed twenty-four hours per day, seven days a week in order to respond to inquiries and provide that information. The costs of establishing, operating, and publicizing the telephone number shall be paid for with money in the substance abuse and addiction <u>and recovery</u> fund.	207
	208
	209
	210
	211
	212
	213
	214
	215
	216
(C) The director of mental health and addiction services shall administer the substance abuse <u>research and education fund</u> and <u>the substance abuse addiction and recovery fund.</u> <u>The director shall use the money in the research and education fund to support prevention, research, and education that relates to</u>	217
	218
	219
	220
	221

controlled substance addiction and substance abuse. The director 222
shall use the money in the addiction and recovery fund to 223
support addiction services or other services that relate to 224
controlled substance addiction and substance abuse, ~~and research~~ 225
~~that relates to addiction and substance abuse.~~ Treatment and 226
prevention services supported by money in ~~the fund~~ these funds 227
under this section shall be services that are certified by the 228
department of mental health and addiction services. 229

(D) The director of mental health and addiction services shall 230
prepare an annual report describing the use of the ~~fund~~ funds 231
for these purposes. The director shall submit the report to the 232
director of the department of commerce, the speaker and minority 233
leader of the house of representatives, the president and 234
minority leader of the senate, and the governor. 235

(E) License holders shall provide informational resources for 236
patrons related to cannabis addiction issues and services. 237

(F) License holders shall provide training for their employees 238
regarding the cannabis addiction services resources for patrons 239
related to this section. 240

Section 2. That existing sections 3780.23, 3780.25, and 241
3780.30 of the Revised Code are hereby repealed. 242